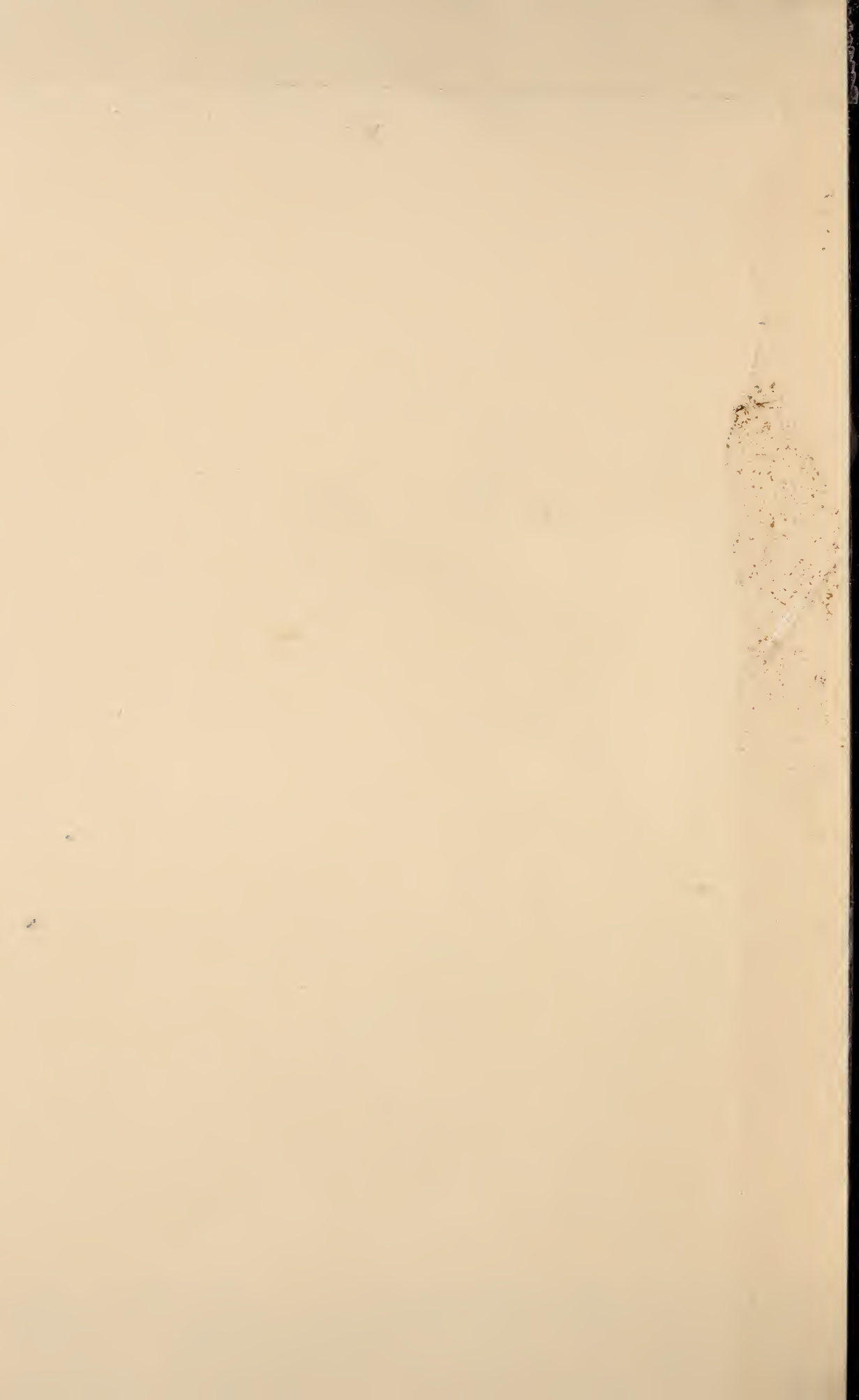
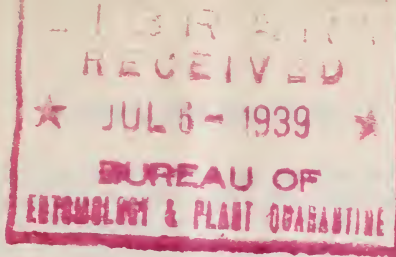


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1656-1665

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 22, 1939]

1656. Adulteration and misbranding of Murphy's Dri-Disinfectant. U. S. v. Murphy Products Co. Plea of nolo contendere. Fine, \$50. (I. & F. No. 2035. Sample No. 20058-C.)

This product contained less sodium phosphate and a larger proportion of inert ingredients than declared on the label. The labeling also bore false and misleading representations regarding its alleged sterilizing, disinfectant, and deodorant properties.

On June 4, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Murphy Products Co., a corporation, Burlington, Wis., alleging shipment by said company on or about December 28, 1936, from the State of Wisconsin into the State of Iowa of a quantity of Murphy's Dri-Disinfectant, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the following statements, "Active Sterilizing Ingredients: Sodium Hypochlorite ---- over 2.5%. Alkaline Sodium Phosphate----over 90.0%. Inert Ingredients: Sodium Chloride, Etc. ---- under 5.0%," borne on the package labels, represented that the standard and quality of the article were such that it contained not less than 90 percent of sodium phosphate and not more than 5 percent of inert ingredients and that sodium hypochlorite and sodium phosphate were sterilizing ingredients; whereas its strength and purity fell below the professed standard and quality under which it was sold since it contained less than 90 percent of sodium phosphate and inert ingredients in excess of 5 percent, and the sodium hypochlorite and sodium phosphate present were not sterilizing agents.

Misbranding was alleged in that the following statements borne on the package label, "Active Sterilizing Ingredients: Sodium Hypochlorite----over 2.5% Alkaline Sodium Phosphate----over 90.0% Inert Ingredients: Sodium Chloride, Etc----under 5.0%," "Contains * * * no injurious substances," "Disinfectant * * * Milking Machine Parts: When through milking and before removing teat cups and tubes from machine, suck through cold water; then hot soap water; then hot water. Follow this by sucking through Murphy's Dri-Disinfectant solution (1 tablespoon to 1 gallon of water). Remove teat cups and tubes and completely immerse in a solution of Murphy's Dri-Disinfectant. (1 tablespoon to 4 gallons of water). Be sure the tubes are filled with the solution and contain no air. * * * Dairy Utensils, Milk Bottles, Pails, Pans, Food Containers: One teaspoonful to 4 gallons of water. Rinse utensils after washing. Wooden Tubs, Vats, Barrels: One teaspoonful to 4 gallons cold or warm water. Hospitals, Hotels, Restaurants, Soda Fountains: Rinse dishes, etc., after washing. Use a solution of one tablespoonful to 4 gallons of water. In The Home: Use for washing dishes, clothes, refrigerators, sink, etc., as a disinfectant and deodorizer. Use one tablespoon to 4 gallons of water. * * * For Poultry Use it to spray poultry houses, brooder houses and incubators. Disease germs

thrive in filth, dust and dirt. Clean up, sweep up, scrub up, and disinfect. Spray walls, ceilings, dropping board, etc., often. This will help to keep the house in a good sanitary condition. Use it, too, to clean out waterers, mash hoppers, and other vessels. It will help keep them sweet and clean. Use one heaping tablespoonful to 4 gallons of water," "Murphy's Dri-Disinfectant * * * eliminates foul odors," and "Disinfectant * * * Use it around * * * drains," were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that it contained not less than 90 percent of sodium phosphate and inert ingredients in a proportion of not more than 5 percent; that sodium hypochlorite and sodium phosphate were sterilizing ingredients; that the article was nonpoisonous; that it was an effective disinfectant in the dilutions specified; that it would eliminate foul odors and would disinfect drains; whereas it contained less than 90 percent of sodium phosphate and inert ingredients in excess of 5 percent; sodium hypochlorite and sodium phosphate were not sterilizing ingredients; the article was not non-poisonous; it was not an effective disinfectant in the dilutions specified; and it would not eliminate foul odors and would not disinfect drains.

The information also charged interstate shipment of various drug preparations in violation of the Food and Drugs Act, reported in notice of judgment No. 30201 published under that act.

On January 9 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25 on each count, the fines on the counts charging violation of the Insecticide Act amounting to \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1657. Adulteration and misbranding of dry powdered arsenate of lead. U. S. v. Sherwin-Williams Co., Inc. Plea of guilty. Fine, \$100 on each of two counts. Fine suspended on second count. (I. & F. No. 2023. Sample Nos. 37509-C, 37526-C.)

This product contained a smaller proportion of lead arsenate and larger proportions of water-soluble arsenic oxide and water-soluble arsenic than those declared on the label. It would have been injurious to certain vegetation when used according to directions.

On November 16, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sherwin-Williams Co., Inc., Bound Brook, N. J., alleging shipment by said company on or about May 19, 1937, from the State of New Jersey into the State of New York, of a quantity of dry powdered arsenate of lead that was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain not less than 98 percent of lead arsenate, and not more than 1 percent of water-soluble arsenic oxide and not more than 0.65 percent of water-soluble arsenic, expressed as percentum of metallic arsenic; whereas it contained less than 98 percent of lead arsenate and water-soluble arsenic oxide and water-soluble arsenic, expressed as percentum of metallic arsenic in proportions greater than so represented. It was alleged to be adulterated further in that it was intended for use on vegetation and contained a substance or substances injurious to vegetation when used thereon as directed on the label.

Misbranding was alleged in that the statements, "Arsenate of Lead, * * * 98.0%," "Total Water Soluble Arsenic Oxide not more than 1.0% which is equivalent to 0.65% Met. Arsenic," and "When used on tender foliage, like peach and Japanese plum, use from $\frac{3}{4}$ to 1 pound of Dry Arsenate of Lead combined with 2 to 3 pounds of Hydrated Lime to 50 gallons of water," borne on the label of the bag containing the article, were false and misleading, and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, in that they represented that it contained not less than 98 percent of lead arsenate, not more than 1 percent of water-soluble arsenic oxide, and not more than 0.65 percent of water-soluble arsenic, expressed as percentum of metallic arsenic, and that it could be safely used on tender foliage, like peach and Japanese plum, when used as directed; whereas it contained less than 98 percent of lead arsenate, more than 1 percent of water-soluble arsenic oxide, and more than 0.65 percent of water-soluble arsenic, expressed as percentum of metallic arsenic, and it could not be safely used on tender foliage, like peach and Japanese plum, as directed on the label, but such use would prove seriously injurious to such foliage.

On December 1, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$100 on each of the two counts and suspended payment of the fine on the second count.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1658. Misbranding of B. & B. 5 X Insecticide. U. S. v. B. & B. Exterminators, Inc. Plea of guilty. Fine, \$100 and costs. (I. & F. No. 2072. Sample No. 17086-D.)

The label of this product bore false and misleading representations regarding its effectiveness in the control of bedbugs, moths, and other insects and falsely represented that it was not poisonous to human beings or animals.

On January 10, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against B. & B. Exterminators, Inc., Baltimore, Md., alleging shipment on or about April 2, 1938, from the State of Maryland into the State of Virginia of a quantity of B. & B. 5 X Insecticide which was misbranded within the meaning of the Insecticide Act of 1910.

Misbranding was alleged in that the statements, "For The Extermination of Bed Bugs, Moths, Etc." and "Not poisonous to human beings or animals," borne on the drum label, were false and misleading, and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that it would exterminate bedbugs, moths, and all insects that might be included under the abbreviation "etc.," and that it was not poisonous to human beings or animals; whereas it would not be effective to exterminate bedbugs, moths, and all insects that might be included under the abbreviation "etc.," and it was poisonous to human beings and animals.

On January 26, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1659. Adulteration and misbranding of Bleach-Ox Snow White Javelle Water. U. S. v. Albert Amicucci and John Amicucci (Wonder Chemical Co.). Tried to the court. Judgment of guilty. Fines, \$5. (I. & F. No. 2067. Sample Nos. 9788-D, 29818-D.)

This product contained a smaller proportion of the active ingredient and a larger proportion of inert ingredients than declared. Its labeling also bore false and misleading representations regarding its deodorizing properties.

On September 28, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Amicucci and John Amicucci, co-partners, trading as the Wonder Chemical Co., Philadelphia, Pa., alleging shipment by said defendants on or about April 15 and May 25, 1938, from the State of Pennsylvania into the State of New Jersey of quantities of the above-named product, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was labeled "Active ingredient—Sodium Hypochlorite—4%. Inert Ingredients—96%. Total 100% * * *"; whereas it contained sodium hypochlorite as an active ingredient in a proportion of less than 4 percent and inert ingredients in a proportion of more than 96 percent.

Misbranding was alleged in that the statement, "Active Ingredient—Sodium Hypochlorite 4% Inert Ingredients 96% Total 100% * * * Everywhere it is spread its odor, * * * purifies the air," borne on the label, were false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it contained a smaller proportion of sodium hypochlorite and a larger proportion of inert ingredients than declared, and its odor would not purify the air.

On December 16, 1938, the defendant having entered a plea of not guilty, the case was tried before the court and judgment of guilty was entered. Each of the defendants was sentenced to pay a fine of \$2.50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1660. Adulteration and misbranding of sodium fluoride. U. S. v. 4 Barrels and 80 Barrels of Sodium Fluoride. Decrees of condemnation. Product released under bond for relabeling. (I. & F. Nos. 2059, 2061. Sample Nos. 18269-D, 18270-D.)

One shipment of this product contained a smaller proportion of sodium fluoride and a larger proportion of inert ingredients than declared on the label, and the

other shipment contained less sodium fluoride than declared on the label of certain barrels and failed to bear on any of the barrels a statement of the inert ingredients.

On or about July 26 and August 10, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 84 barrels of sodium fluoride at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce by the Sterling Products Co. from Easton, Pa., in part on or about February 9 and in part on or about June 17, 1938; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that the labeling on certain barrels bore the statements, "Active ing. * * * 95-97%. Sodium fluoride inert 3-5%," and the labels on other barrels bore the statement "Sodium fluoride 95 percent"; whereas the former lot contained sodium fluoride in a proportion less than 95 to 97 percent and an inert ingredient in a proportion more than 3 to 5 percent, and the latter lot contained sodium fluoride in a proportion less than 95 percent.

The article was alleged to be misbranded in that the statements "Active ing. 95-97%. Sodium fluoride inert 3-5%," with respect to a portion of the article, and "Sodium fluoride 95%" with respect to another portion, were false and misleading, and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since the product in the former lot contained less sodium fluoride and more of the inert ingredient than declared, and that in the latter lot contained less sodium fluoride than declared. One lot was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than sodium fluoride which substances do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each such inert substance or ingredient were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each substance or ingredient of the article having insecticidal properties and the total percent of the inert ingredients stated plainly and correctly on the label.

On September 7, 1938, Braun-Knecht-Heimann Co. having appeared as claimant, judgments of condemnation were entered and the product, with the exception of any barrels found to conform with the law and not requiring relabeling, was ordered released under bond on condition that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1661. Misbranding of Egyptian Deodorizer Incense Candles. U. S. v. 104 Cartons of Egyptian Deodorizer Incense Candles. Default decree of condemnation and destruction. (I. & F. 2071. Sample No. 32475-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a deodorant and to control insects. It also failed to indicate the presence of the inert ingredients contained in the article.

On August 30, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 cartons of the above-described product at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about July 21, 1938, by the Cando Corporation from Cambridge, Mass.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances or ingredients, namely, substances other than essential oils, and the name and percentage amount of each such inert substance were not stated plainly and correctly on the label; nor in lieu thereof were the names and percentage amounts of each substance or ingredient of the article having insecticidal or fungicidal properties and the total percentage of the inert substances or ingredients stated plainly and correctly on the label.

It was alleged to be misbranded further in that the following statements appearing in the labeling, (carton) "Purifies the air. Especially designed to destroy strong cooking odors and odors of paint, stale tobacco and domestic animals and other obnoxious odors. Dispels mustiness in the cellar and closed rooms and keeps closets fresh and sweet. * * * Disperses winged insects in cottage, camp and home," and (circular) "Cooking odors, the odor of stale tobacco and mustiness of closed rooms are quickly dispelled," were false and misleading and by reason of the said statement, the article was labeled so as to

deceive and mislead the purchaser in that they represented that the article would purify air, would destroy odors, and would keep closets fresh and sweet, and when used as directed, would be effective in dispersing all insects in cottage, camp, and home; whereas the article would not be effective for such purposes.

On October 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1662. Misbranding of Puro Perfumed Paradichlorobenzene. U. S. v. 11 Dozen Packages of Puro Perfumed Paradichlorobenzene. Default decree of condemnation and destruction. (I. & F. No. 2066. Sample No. 17913-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a control for moths.

On August 17, 1938, the United attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 dozen packages of the above-named product at San Francisco, Calif.; alleging that it had been shipped in interstate commerce on or about June 8, 1938, by the Puro Co., Inc., from St. Louis, Mo.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Puro Perfumed Paradichlorobenzene Kills Moths Used as Directed Puro Perfumed Para is powerful and effective in killing moths and larvae. Use Puro Cakes at the rate of one to every twenty cubic feet of tightly enclosed space," borne on the label, were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser since they represented that the article, when used as directed, would be effective against moths; whereas it would not be effective against moths when used as directed.

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1663. Misbranding of Standard Compound. U. S. v. 21 Cans and 11 Cans of Standard Compound. Default decree of condemnation and destruction. (I. & F. No. 2069. Sample No. 23098-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a bactericide and failed to declare its inert ingredients.

On or about September 8, 1938, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-one 10-pound and eleven 5-pound cans of Standard Compound at Kalispell, Mont.; alleging that the article had been shipped in interstate commerce within the period from on or about August 29, 1937, to on or about May 13, 1938, by the Standard Chemical Co. from Aberdeen, Wash.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted of inert substances (substances other than sodium hydroxide) which do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each such inert substance were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances present therein stated plainly and correctly on the label. It was alleged to be misbranded further in that the statement, "A Scientific Compound for Removing Slime, Spore, Yeast Growth and All Foreign Matter From Beer Coils," borne on the can label, was false and misleading and by reason of the said statement, the article was labeled so as to deceive and mislead the purchaser in that it represented that the article would kill bacterial spores when used as directed; whereas it would not kill bacterial spores when used as directed.

The libel alleged that the article was also misbranded in violation of the Federal Caustic Poison Act reported in notice of judgment No. 89 published under that act.

On December 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1664. Misbranding of Kovam Disinfectant-Germicide. U. S. v. 4 Drums of Kovam Disinfectant-Germicide. Default decree of condemnation and destruction. (I. & F. No. 2089. Sample No. 49644-D.)

The labeling of this product bore false and misleading representations regarding its phenol coefficient and its effectiveness as a disinfectant, and it failed to bear a plain and correct statement of the inert ingredients present.

On November 15, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 55-gallon drums of Kovam Disinfectant-Germicide at Dallas, Tex.; alleging that the article had been shipped in interstate commerce on or about February 17, 1938, by the Kovam Co. from New York, N. Y.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements "Inert Material 84%," "Kovam has a Phenol Co-efficient of 6 (*E-Typhi*) and 1.7 to 2 *Staph. Aureus* F. D. A. method," and "Disinfectant Germicide * * * Powerful * * * for Hospital Institutional and Industrial Use Directions: Mix four fluid ounces of Kovam to each gallon of water. For use in Hospitals, Sanitariums, Hotels, Municipal Buildings, Court Houses, Penal Institutions, Office Buildings, Factories, Homes, Government Buildings, Schools and Colleges, Halls and Club Rooms, Railroad Stations, and all other Business, Private or Public Institutions," were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser since they represented that it contained not more than 84 percent of inert material, that it had an *E. [Eberthella] typhi* F. D. A. coefficient of not less than 6 and a *Staph. [Staphylococcus] aureus* F. D. A. coefficient of not less than 1.7 and that it was an effective and powerful disinfectant in the dilution specified; whereas it contained more than 84 percent of inert material, it had an *E. typhi* F. D. A. coefficient of less than 6, and a *Staph. aureus* F. D. A. coefficient of less than 1.7, and it was not an effective and powerful disinfectant in the dilution specified. It was alleged to be misbranded further in that it consisted partially of inert substances, namely, water and glycerin, which substances do not prevent, destroy, repel, or mitigate fungi (bacteria) and did not have the name and percentage amount of each of such inert ingredients stated correctly on the label; nor in lieu thereof did the label bear a statement of the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage of the inert ingredients so present therein.

On January 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1665. Misbranding of Sanifume Crystals. U. S. v. Royal Manufacturing Co. of Duquesne. Plea of guilty. Fine, \$100. (I. & F. No. 2065. Sample No. 21602-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of moths.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Manufacturing Co. of Duquesne, a corporation trading at Chicago, Ill., alleging shipment by said company on or about March 18, 1938, from the State of Illinois into the State of Indiana of a quantity of Sanifume Crystals which were a misbranded insecticide within the meaning of the Insecticide Act of 1910.

Misbranding was alleged in that the statements, "In the new type of vacuum cleaner, it may be blown out in the form of powder which penetrates into crevices of upholstered furniture and rugs. This new sanitary fumigant spells death to moths," borne on the carton label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that, when used in vacuum cleaners as directed, it would act as an effective control against moths in upholstered furniture and rugs; whereas it would not be effective for such purposes when used as directed.

On December 9, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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